

Excerpts
Planning Commission Minutes
August 10, 2005

Application No. UP-678-02, Robert Brown Associates: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize the establishment of a 4,237-square foot fast food restaurant located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2. The property, located on the east side of Mooretown Road approximately 600 feet south of its intersection with East Rochambeau Drive (Route F137), is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

Amy Parker, Senior Planner, summarized the staff report to the Commission dated August 2, 2005, in which the staff recommended approval. She added that both the City of Williamsburg and James City County were apprised of the pending application and neither had commented on it to staff.

Mr. Abel asked if the establishment would be the same size as existing Chick-fil-A's, such as the one on Victory Boulevard in front of Super Kmart. **Ms. Parker** suggested that be addressed by the applicant's representative.

Mr. Ptasznik inquired if the monument sign for the proposed business would be located directly in front of the building, and **Ms. Parker** said that it would. **Mr. Ptasznik** asked if more signs could be expected if the outparcels are eventually developed, and **Ms. Parker** said up to three more monument signs are possible for the outparcels.

Mr. Staton asked if any more landscaping would be added to the greenbelt. **Ms. Parker** pointed out some previous clearing was done by Home Depot. A condition of approval is that the 45-foot buffer remain undisturbed in accordance with the intent of the Zoning Ordinance, and she added that any trees removed were to be replaced.

Chair Ptasznik opened the public hearing.

Mr. Keith Simpson, Fuller Engineering, Arlington, VA, spoke in behalf of the applicant. He addressed **Mr. Abel's** inquiry about the size of the proposed structure by noting it would be the smallest prototype that Chick-fil-A currently builds, therefore probably smaller than the one on Victory Boulevard.

Mr. Simpson requested elimination of proposed Condition No. 8 regarding alignment of the existing traffic aisle in the Home Depot parking lot with the proposed Chick-fil-A access aisle at the east end of the subject property. He indicated that redesign of the access would pose difficulties in meeting Ordinance parking requirements. **Mr. Ptasznik** commented that it should be considered during site plan approval, and **Ms. Parker** added that the condition was recommended by Department of Environmental and Development Services staff, and she could not recommend eliminating Condition No. 8. She added that the traffic patterns at the adjacent entrance to the Home Depot parking lot and joint access aisle are currently confusing, and EDS and Planning

Division staff felt strongly that the applicant could revise their plan to provide a safer traffic circulation design. One of the recommendations staff has made to the applicant, **Ms. Parker** said, is to make the access one-way instead of two-way, as proposed. **Mr. Ptasznik** believed the staff recommendation to align the two drive aisles was a safer solution than the applicant's request to eliminate Condition No. 8.

Mr. Abel asked if the applicant was concerned about the potential loss of parking spaces to fewer than the minimum required, if held to conform to Condition No. 8. **Mr. Simpson** said that was not the case because the parking could be realigned and still retain the same number of spaces.

In answer to **Mr. Abel's** question about maintaining the proposed restaurant size, **Mr. Simpson** assured the restaurant would be within 10 percent of the square footage proposed in the application. **Mr. Simpson** did express concern that the approval conditions specified an exact floor area for the proposed building.

Mr. Davis asked if the restaurant elevation would be higher or lower than Mooretown Road and **Mr. Simpson** said it would be higher than Mooretown Road. **Mr. Davis** assumed the equipment on the roof would be shielded from view. **Mr. Simpson** indicated that all roof equipment would be screened from view.

Mr. Roy S. Williams, E&H Architects, Brentwood, TN, offered to answer any questions related to the architectural features of the proposed Chick-fil-A restaurant. **Mr. Ptasznik** noted that the applicant has requested up to a 10 percent deviation from the requested restaurant square footage, which appeared to be an unusual request and invited **Mr. Williams** to comment on that. Following some discussion, **Mr. Carter** suggested revising the language contained in the proposed resolution to "approximate" square footage because the primary focus of this discussion should be land use and the exact size of the building is scrutinized during site plan review.

Chair Ptasznik closed the public hearing.

Mr. Davis moved adoption of Resolution PC05-35(R).

Resolution No. PC05-35(R)

On motion of **Mr. Davis**, which carried 5:0 (Messrs. Barba and Hamilton absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH
SERVICE AT 6720 MOORETOWN ROAD

WHEREAS, Robert Brown Associates LLC have submitted Application No. UP-678-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize an approximately 4,237-square foot fast food

restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of August, 2005 the Application No. UP-678-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize an approximately 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2 (GPIN No. C19c-0101-2311); subject to the following conditions:

1. This use permit shall authorize an approximately 4,237-square foot fast food restaurant with drive-through service located at 6720 Mooretown Road (Route 603) and further identified as a portion of Assessor's Parcel No. 2-9-B2.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan and building elevation shall be in substantial conformance with the plan titled "Chick-fil-A, Special Use Permit Plan, Williamsburg Marketcenter, Mooretown Road, Williamsburg, VA," prepared by Bohler Engineering, P.C., dated 6/6/05 and revised 8/1/05, and received by the Planning Division August 2, 2005, and the building elevation titled "Chick-fil-A" prepared by E+H Architects, dated 7/22/05 and received by the Planning Division July 22, 2005.
3. Freestanding identification signage shall be limited to a single monument sign, and fascia used on the base of the sign shall match that of the building façade.
4. All site lighting shall be designed with shielded, full cutoff fixtures and directed downward at a 90-degree angle to the ground to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at any property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by Environmental and Development Services at time of application for site plan approval.

5. In accordance with Section 24.1-244(b), building perimeter landscaping may be transferred only for that portion of the building abutting the drive-through aisle at the southern and western ends of the building.
6. Any existing landscaping on the Home Depot property requiring removal for installation of the proposed accesses shall be relocated or replaced in the same immediate vicinity.
7. All parking spaces shall be located a minimum of ten (10) feet from the face of the building.
8. To prevent unsafe traffic movements within the joint access aisle adjacent to the east end of the subject property, driveways serving the property shall be located parallel and in line with existing parking aisle breaks in the Home Depot parking lot.
9. Fascia materials used for the building façade and sign base shall be compatible with the existing façade on the Home Depot building.
10. In accordance with Section 24.1-245, there shall be no disturbance of the 45-foot greenbelt buffer along Mooretown Road.
11. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
12. Trash removal service shall not occur during restaurant operating hours.
13. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
